THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.862 of 2005

Dated: 20-07-2007

Between:

Vadde Sankarappa and another.

..... PETITIONERS

AND

The District Collector, Anantapur, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.862 of 2005

ORDER:

The two petitioners are residents of Vaddepalem Village, Kundurpi Mandal, Anantapur District. They filed instant writ petition seeking a writ of Mandamus declaring the action of second respondent, namely, the Mandal Revenue Officer, in interfering with their peaceful possession and enjoyment of land admeasuring Acs.4.79 and Acs.4.20 in survey Nos.
367-5 and 367-4 as illegal and arbitrary and for a consequential direction.

It is the case of the petitioners that first petitioner was recognized as Sivaijamadar in respect of land admeasuring Acs.4.79 in survey No.367-5 and was also granted a DKT patta vide proceedings in D.Dis.No.7/1409 dated 12.01.2000 and that husband of second petitioner was recognized as Sivaijamadar in respect of land admeasuring Acs.4.20 in survey No.367-4 and was also granted a DKT patta vide proceedings in D.Dis.No.7/1409 dated 12.01.2000. The petitioners also applied for pattadar passbooks, which were granted to them. When the petitioners are cultivating the land, it is alleged, at the behest of the local M.L.A, second respondent is causing inconvenience to them with a view to reassign the land to the henchmen of the M.L.A. Therefore, they filed instant writ petition.

This Court, while admitting the writ petition on 28.01.2005, in W.P.M.P.No.1118 of 2005, granted interim direction to the respondents not to dispossess the petitioners. The respondents now moved this Court by filing W.V.M.P.No.625 of 2007 praying this Court to vacate the interim order. As the controversy is in a narrow compass, the writ petition itself is heard finally with the consent of the learned counsel for both the parties.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue.

In the counter-affidavit filed by second respondent, the factum of grant of D-Form pattas to the petitioners is admitted. However, the allegation of the petitioners that steps were taken to dispossess them in breach of law is denied. It is also stated that no orders are passed against the petitioners for eviction.

In view of the averments made by second respondent in the counter-affidavit, it stands proved that the writ petition is filed by the petitioners making all false allegations on mere apprehension. Therefore, the writ petition is liable to the dismissed with costs.

The writ petition is accordingly dismissed with costs of Rs.1,000/- (Rupees one thousand only).

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(**V.V.S.RAO, J**)

20th July, 2007
ghn